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and Individual Defendants

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

ARIEL ABITTAN.

Plaintiff,

V.

LILY CHAO (a/k/a TIFFANY CHEN, a/k/a YUTING CHEN), DAMIEN DING (a/k/a DAMON LEUNG, a/k/a DAMIEN RAY DONOVAN, a/k/a TAO DING), YUTING CHEN, TEMUJIN LABS INC. (a Cayman Islands corporation), and Does 1-100, inclusive.

Defendants.

Case No.: 5:20-CV-09340-NC

**STIPULATION RE CONTINUANCE OF
CASE MANAGEMENT CONFERENCE;
[PROPOSED] ORDER**

Judge: Hon. Nathanael M. Cousins

1 Pursuant to Civil Local Rules 6-1, 6-2, 16-9 and 16-10, Defendant Temujin Labs Inc., a
 2 Cayman Islands corporation (“Temujin Cayman”) and the Individual Defendants (collectively
 3 “Defendants”) and Plaintiff Ariel Abittan (“Plaintiff”) (Plaintiff and Defendants collectively
 4 “Parties”) by and through their respective counsel, stipulate and request as follows:

5 **RECITALS**

6 On August 29, 2022, pursuant to the Clerk’s Notice Setting Zoom Hearing, the Clerk
 7 continued the Case Management Conference set for September 7, 2022 to September 14, 2022 at
 8 11:00 a.m. with a joint statement due by September 7, 2022. (Dkt. No. 154).

9 Lead counsel for Defendants is currently scheduled to be in a mandatory settlement
 10 conference on another matter in Santa Clara County Superior Court on September 14, 2022. Hansen
 11 Decl. ¶ 2. Additionally, lead counsel for Defendants is also scheduled to be in trial on that same
 12 matter on September 21, 2022. Hansen Decl. ¶ 2. Pursuant to Civil Local Rule 16-10(a), lead trial
 13 counsel for each party must attend the initial Case Management Conference.

14 As such, the Parties met and conferred and agreed: (1) to continue the Case Management
 15 Conference from September 14, 2022 at 11:00 a.m. to September 28, 2022 at 10:00 a.m., and (2) that
 16 the joint case management conference statement would be due by September 21, 2022. Hansen Decl.
 17 ¶ 3.

18 The Parties request that the Court enter an order confirming the terms of the stipulation
 19 between the Parties. The instant request is made pursuant to Civil L.R. 6-1(b)¹ and 6-2(a).

20 Pursuant to Civil L.R. 6-2(a)(2), and aside from the time modifications described herein, the
 21 following previous time modifications have been made in this case:

- 22 (1) On March 5, 2021, the Court continued the Initial Case Management Conference
 set for March 17, 2021 to April 28, 2021 (Dkt. No. 22);
- 24 (2) On March 25, 2021, Plaintiff, Temujin Labs Inc., a Delaware corporation (“Temujin
 DE”), and Temujin Cayman agreed to extend Temujin DE and Temujin Cayman’s
 deadline to respond to the original Complaint to April 6, 2021 (Dkt. No. 24);

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 28 ¹ The Parties understand the request is made within 14 days of the rescheduled Case Management
 Conference and apologize for any inconvenience to the Court.

- (3) On April 6, 2021, Plaintiff, Temujin DE, and Temujin Cayman agreed to extend the deadline for any defendant to respond to the original Complaint to April 30, 2021 (Dkt. No. 31);
 - (4) On April 21, 2021, the Court entered a Modified Order re 43 Stipulation Setting Schedule and Extending Time to Respond. The Court continued the Case Management Conference set for April 28, 2021 to July 7, 2021 (Dkt. No. 44);
 - (5) On June 10, 2021, pursuant to stipulation, the Court modified the briefing schedule and hearing date on Defendants' Motion to Dismiss (Dkt. No. 57);
 - (6) On June 28, 2021, the Clerk issued a Notice continuing the Case Management Conference set for July 7, 2021 to July 28, 2021 (Dkt. No. 67);
 - (7) On July 19, 2021, the Clerk issued a Notice continuing the Case Management Conference set for July 28, 2021 to October 6, 2021 (Dkt. No. 79);
 - (8) On September 29, 2021, the Court ordered that the Case Management Conference be continued from October 6, 2021 to November 17, 2021, and that a Case Management Statement was due by November 10, 2021 (Dkt. No. 90);
 - (9) On October 6, 2021, the Court entered an order modifying the briefing and hearing schedule on "Plaintiff's Motion for an Order Allowing Defendants Lily Chao and Damien Ding to Be Served (1) Through Counsel...", Dkt. No. 83 (Dkt. No. 96);
 - (10) On November 15, 2021, the Court entered an order continuing the Case Management Conference from November 17, 2021 to December 8, 2021 at 10:00 a.m. and ordering that a Joint Case Management Statement was due by December 1, 2021 (Dkt. No. 111);
 - (11) On December 2, 2021, the Clerk continued the Initial Case Management Conference from December 8, 2021 to February 9, 2022 at 10:00 a.m. and ordered an updated Case Management Statement to be filed by February 2, 2022 (Dkt. No. 116);
 - (12) On February 7, 2022, the Court continued the Case Management Conference from February 9, 2022 to March 2, 2022 at 10:00 a.m. (Dkt. No. 127);
 - (13) On February 24, 2022, the Clerk issued a Notice continuing the Case Management

1 Conference to March 30, 2022 at 1:00 p.m. and ordered a joint update to be filed by
2 March 23, 2022 (Dkt. No. 131); and

3 (14) On July 25, 2022, the Court continued the August 24, 2022 Case Management
4 Conference to September 7, 2022 at 1:00 p.m. and ordered a Joint Case Management
5 Conference Statement to be filed by August 31, 2022 (Dkt. No. 151).

6 Further, pursuant to Civil L.R. 6-2(a)(3), the requested time modification would not have a
7 prejudicial effect on the schedule for the case. Trial has not been set in the case, and no discovery
8 has been conducted yet (the depositions of the Individual Defendants were stayed pursuant to the
9 Court's order on May 2, 2022, Dkt. No. 139). Hansen Decl. ¶ 4.

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STIPULATION

The Parties therefore stipulate that the September 14, 2022 Case Management Conference shall be continued to September 28, 2022 at 10:00 a.m., and (2) that the Joint Case Management Conference Statement shall be filed by September 21, 2022.

DATED: September 7, 2022 HANSEN LAW FIRM, P.C.

HANSEN LAW FIRM, P.C.

By: _____ /s/ *Craig A. Hansen*
CRAIG A. HANSEN

Attorneys for Defendants

DATED: September 7, 2022 ROCHE FREEDMAN LLP

ROCHE FREEDMAN LLP

By: /s/ Constantine P. Economides
CONSTANTINE P. ECONOMIDES

Attorneys for Plaintiff Ariel Abittan

I hereby attest that I obtained consent in the filing of this document from each of the other signatories on this e-filed document.

DATED: September 7, 2022 HANSEN LAW FIRM, P.C.

By: /s/ Craig A. Hansen
CRAIG A. HANSEN

[PROPOSED] ORDER

Pursuant to the above stipulation, and good cause appearing, IT IS SO ORDERED.

Entered this ____ day of _____, 2022.

Hon. Nathanael Cousins
United States Magistrate Judge